

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EARL BUCKNER

Plaintiff(s)

VS.

WARDEN, ROSS CORRECTIONAL
INSTITUTION

Defendant(s)

.....

Case Number: 1:04-cv-00209

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

... this Court ADOPTS the Magistrate Judge’s Report and Recommendation (doc. 15), and DENIES WITH PREJUDICE Petitioner’s Petition for Writ of Habeas Corpus (doc. 1). The Court also DECLINES to issue a certificate of appealability with respect to the claim in Ground One of the petition because a jurist of reason would not find it debatable whether this Court is correct in its procedural ruling. The Court DECLINES to issue a certificate of appealability with respect to Ground Two because that claim was waived, and the Court DECLINES to issue a certificate of appealability with respect to Ground Three because Petitioner has failed to make a substantial showing of the denial of a constitutional right based on such a claim. The Court CERTIFIES that any appeal of this order will not be taken in good faith, and any application to appeal in forma pauperis will be DENIED.

7/14/06

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk